IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.5999/1997
PRADEEP KUMAR V/s UNIVERSITY OF RAJASTHAN

DATE OF ORDER 20.2.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

None present for either of the parties.

This matter was called in the first round but none appeared on behalf of the parties. Thereafter, this case was called out in the second round too but none was present on behalf of the parties.

The petitioner has challenged the order dated 8.10.1997 whereby respondent No.3, Arya Mahila Vidhyapeeth, College of Teacher Education, Bhusawar, Bharatpur, has rejected his application for B.Ed. on the basis of instructions received from respondent No.2, the officer on special duty of Mahrishi Dayanand University, Ajmer by order dated 8.10.97 (Annex.5) that since the petitioner had secured lesser marks than 45% in her Degree of Graduation, the fee deposited by her amounting to Rs.9,590/- would be returned to her. The petitioner's contention is that according to the subsequent amendment a candidate who has 45% marks either in B.A. or in M.A. is eligible to take the P.T.E.T. examination and if he/she qualifies the said examination, he/she is eligible for admission to B.Ed. course. Such qualification is examined on the basis of P.G. degree, the

petitioner having secured 50% marks in her M.A. should be held entitled to eligible to admission.

The respondents have contested the writ petition and have contended in the reply to the writ petition that admission criteria has been laid down by the National Council for Teaches Education, New Delhi. According to the prescribed norms, the minimum eligibility marks from 40% to 45% are being insisted. The validity of clause 8.1 prescribed such eligible criteria has not been challenged.

In the facts of the case, when the B.Ed. course pertained to the year 1997 it is not possible at this belated stage to grant any relief to the petitioner. The petitioner has contended that due to subsequent amendment in the rules, she became eligible. The impugned order cannot be held bad in law on that ground because the subsequent amendment would only apply perspectively. Even otherwise if the petitioner has become eligible for admission due to change in the criteria for admission at a later stage, she can even now appear applying for P.T.E.T. examination for such admission. I therefore do not find any merit in the writ petition.

Accordingly, this writ petition is dismissed.

(Mohammad Rafiq),J.

Chauhan/